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6 **UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN JOSE DIVISION**

9 DAVID HO, JOHN MAXTON, NATHAN ) Case No. C 05 04867-JF (HRL)  
10 LAY, and SARAH FERNANDEZ on behalf )  
11 of themselves and all others similarly )  
12 situated and on behalf of the general ) **[PROPOSED] ORDER DISMISSING**  
13 public and DOES #1-20 ) **PLAINTIFFS NATHAN LAY AND JOHN**  
14 Plaintiff, ) **MAXTON**  
15 v. )  
16 ERNST & YOUNG, LLP )  
17 Defendants. )  
18 \_\_\_\_\_

19 This matter having come before the Court on the stipulations of the parties dated March  
20, 2008 and March 4, 2008, it is hereby

21 ORDERED that plaintiffs Nathan Lay and John Maxton are dismissed from this case  
22 without prejudice with each party to bear their own costs and attorneys fees; and it is further

23 ORDERED that the caption of this action shall be amended accordingly

24 IT IS SO ORDERED

25 Dated: 4/3/08

26   
27 Honorable Jeremy Fogel  
28 United States District Judge